

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1635
 Serial No.: 09/093,972 : Examiner: J. Epps
 Filed: June 9, 1998 : Appl. Ref. No.: EPI-00672
 For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION & TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH BRONCHOCONSTRICITION, ALLERGY(IES) & INFLAMMATION**

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COVER LETTER

Assistant Commissioner for Patents
 Washington, D.C. 20231

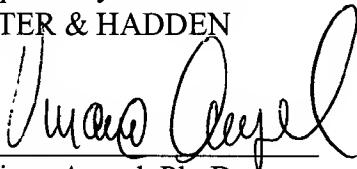
Sir/Madam:

Enclosed for filing are the following:

1. Substitute Application (77 sheets)
2. Amendment (29 sheets)
3. Fee Transmittal Form (1 sheet)
4. Substitute Declaration for Patent Application (2 sheets)
5. Copy of Claim for Priority previously filed 5/4/00 (1 sheet)
6. Change of Address (1 sheet)
7. Request for Corrected Filing Receipt (w/copy of Claim for Priority)
8. Post Card

Respectfully submitted.

ARTER & HADDEN



Viviana Amzel, Ph. D.

Reg. No. 30930

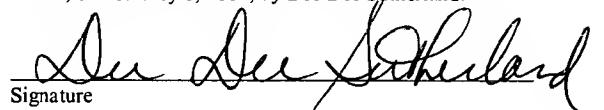
Attorney for Applicant(s)

February 6, 2001

Date

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 413-254-9245 Legal Dpt Fax
 Vamzel@EpiGene.com

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 Signature

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

Complete if Known

Application Number	09/093,972
Filing Date	June 9, 1998
First Named Inventor	Jonathan W. Nyce
Examiner Name	J. Epps
Group Art Unit	1635
Attorney Docket No.	EPI-00672

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																																																																																																			
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number 50-1728</p> <p>Deposit Account Name EpiGenesis Pharmaceuticals, Inc.</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th colspan="4"></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th colspan="2">Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td colspan="2">Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td colspan="2">Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td colspan="2">Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td colspan="2">For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td colspan="2">Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td colspan="2">Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td colspan="2">Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td colspan="2">Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td colspan="2">Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td colspan="2">Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td colspan="2">Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td colspan="2">Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td colspan="2">Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td colspan="2">Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td colspan="2">Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td colspan="2">Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td colspan="2">Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td colspan="2">Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td colspan="2">Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td colspan="2">Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td colspan="2">Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td colspan="2">Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td colspan="2">Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td colspan="2">Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td colspan="2">Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td colspan="2">For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td colspan="2">Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td colspan="2">Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="6">Other fee (specify) _____</td><td></td></tr> <tr> <td colspan="4"></td> <td colspan="3">*Reduced by Basic Filing Fee Paid</td> <td>SUBTOTAL (3) (\$)</td> </tr> </tbody> </table>				Large Entity	Small Entity					Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description		Fee Paid	105	130	205	65	Surcharge - late filing fee or oath			127	50	227	25	Surcharge - late provisional filing fee or cover sheet			139	130	139	130	Non-English specification			147	2,520	147	2,520	For filing a request for ex parte reexamination			112	920*	112	920*	Requesting publication of SIR prior to Examiner action			113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action			115	110	215	55	Extension for reply within first month			116	390	216	195	Extension for reply within second month			117	890	217	445	Extension for reply within third month			118	1,390	218	695	Extension for reply within fourth month			128	1,890	228	945	Extension for reply within fifth month			119	310	219	155	Notice of Appeal			120	310	220	155	Filing a brief in support of an appeal			121	270	221	135	Request for oral hearing			138	1,510	138	1,510	Petition to institute a public use proceeding			140	110	240	55	Petition to revive - unavoidable			141	1,240	241	620	Petition to revive - unintentional			142	1,240	242	620	Utility issue fee (or reissue)			143	440	243	220	Design issue fee			144	600	244	300	Plant issue fee			122	130	122	130	Petitions to the Commissioner			123	50	123	50	Processing fee under 37 CFR 1.17(q)			126	180	126	180	Submission of Information Disclosure Stmt			581	40	581	40	Recording each patent assignment per property (times number of properties)			146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))			149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))			179	710	279	355	Request for Continued Examination (RCE)			169	900	169	900	Request for expedited examination of a design application			Other fee (specify) _____											*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$)
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**or number previously paid, if greater; For Reissues, see above																																																																																																																																																																																																																																							

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Viviana Amzel, Ph.D.	Registration No. (Attorney/Agent)	30,930	Telephone (609) 409-3034
Signature			Date	8/6/01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jonathan W. Nyce

Serial No.: 09/093,972 : Group Art Unit: 1635
 Filed: June 9, 1998 : Examiner: Janet L. Epps
 For: Composition, Formulations & Method for Prevention & Treatment of Diseases and
 Conditions Associated With Bronchoconstriction, Allergy(ies) & Inflammation

Assistant Commissioner for Patents
 Washington, D.C. 20231

REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error with respect to the following data, which is:
 - incorrectly entered
 - and/or
 - Omitted.

Error in	Correct data
a. <input type="checkbox"/> Applicant's name	a.
b. <input type="checkbox"/> Applicant's address	b.
c. <input type="checkbox"/> Title	c.
d. <input type="checkbox"/> Filing Date	d.
e. <input type="checkbox"/> Serial Number	e.
f. <input type="checkbox"/> Foreign/PCT Application re:	f.
g. <input checked="" type="checkbox"/> Correspondence Address	<p style="margin-left: 20px;">g. Viviana Amzel, Ph.D. EpiGenesis Pharmaceuticals, Inc. 7 Clarke Drive Cranbury, NJ 08520</p>
h. <input checked="" type="checkbox"/> Other: Continuing Data	<p style="margin-left: 20px;">h. This application is a CIP of US Patent Application Serial No. 08/472,527, CPA filed February 27, 1998, now US Patent No. 6,040,296; a CIP of US Patent Application No. 08/757,024, filed November 26, 1996 by Jonathan W. Nyce, now US Patent No. 6,025,339, which is a continuation-in-part of U.S. Patent Application Serial No. 08/472,527, filed June 7, 1997; and a CIP of US Patent Application Nos. 08/474,497 filed June 7, 1995, now US Patent No. 5,994,315, and 09/016,464, filed January 30, 1998, by Jonathan W. Nyce and W. James Metzger, CPA filed June 3, 1998, now pending.</p>

See attached copy of Claim for Priority Under 35 USC 120, previously filed in this application on 5/4/00.

3. *(complete the following applicable item)*

A. The correction(s) is/are not due to any error by applicant and no fee is due.

OR

B. At least one of the above corrections is due to applicant's error and the fee therefor, under 37 CFR 1.19(h), of \$25.00 is paid as follows:

Enclosed is a check for \$25.00.
 Charge Account _____ \$25.00.



SIGNATURE OF ATTORNEY

Registration No.: 30,930

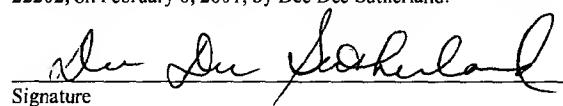
Viviana Amzel, Ph.D.

(type or print name of attorney)

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Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce

: Art Unit: 1635

Serial No.: 09/093,972

: Examiner: Janet Epps

Filed: June 9, 1998

: Appl. Ref. No.: EPI-072

For:

COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION & TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH BRONCHOCONSTRICITION, ALLERGY(IES) & INFLAMMATION**CLAIM FOR PRIORITY UNDER 35 USC '120**

Assistant Secretary for Patents
 Washington DC 20231

Sir/Madam:

The applicant hereby claims priority for the above-identified U.S. Patent Application of the filing dates of the following U.S. Patent Applications under 35 USC 120:

- 1- U.S.S.N. 08/472,527, filed June 7, 1995, CPA filed February 27, 1998, now U.S. Patent No. 6,040,296.
- 2- U.S.S.N. 08/757,024, filed November 26, 1996, by Jonathan W. Nyce, now U.S. Patent No. 6,025,339, which is a continuation-in-part of U.S.S.N. 08/472,527, filed June 7, 1995.
- 3- U.S.S.N. 08/474,497, filed June 7, 1995, by Jonathan W. Nyce and W. James Metzger, now U.S. Patent No. 5,994,315.
- 4- USSN 09/016,464, filed January 30, 1998, which is a divisional of USSN 08/474,497, by Jonathan W. Nyce and W. James Metzger, filed June 3, 1998, now pending.

The text of the above-identified application is being amended to contain this information.

5/4/00
Date

Citicorp Plaza
 725 S. Figueroa St.-Suite 3400
 Los Angeles, CA 90017
 213-430-3520 Direct Ph.
 213-617-9255 Fax

Respectfully submitted.
 ARTER & HADDEN LLP

Viviana Amzel
 Viviana Amzel, Ph.D.
 Reg. No. 30,930
 Attorney for Applicant

H:\epi072\Priority Claim.doc
 400233

5/4/00
Date of Deposit

I hereby certify that this paper or fee is being deposited with the United States Postal Service "First Class Mail" on the date indicated above and is addressed to the Commission of Patents and Trademarks, Washington D.C. 20231.

Jenny Wilson